

Application Serial No. 10/629,208

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REMARKS

Reconsideration and reexamination of the application are requested. Claims 1, 7, 12, 13, 19, 20, 22 and 24 are amended. The amendments are supported by the original disclosure, for example page 18, paragraphs [0145] and [0146]; and page 27, paragraph [0190]. The claims as amended read on elected species I, Figures 1-19E. Claims 11 and 16 are withdrawn from consideration. Claim 8 is canceled without prejudice or disclaimer. Claims 1-7 and 10-24 are pending.

Claim 21 is rejected under 35 USC 112, second paragraph, as being indefinite. The language of the bucket seat has been removed from claim 21. Withdrawal of the rejection is requested.

Claims 1, 6, 8, 10, 12, 13, 19-21 and 24 are rejected under 35 USC 103(a) as being unpatentable over Infante (WO 97/09223) in view of Seider (US 2,435,021).

In addition, claims 2-5, 7, 14, 15 and 18 are rejected under 35 USC 103(a) as being unpatentable over Infante in view of Seider, and further in view of Ethier (US 4,662,468).

In addition, claims 14, 15, and 17 are rejected under 35 USC 103(a) as being unpatentable over Infante in view of Seider, and further in view of Saiki (US 4,804,221).

In addition, claims 22 and 23 rejected under 35 USC 103(a) as being unpatentable over Infante in view of Seider, and further in view of Kurata (US 4,606,429).

Infante and Seider do not teach or suggest a four-wheeled vehicle as recited in claims 1 and 24 that includes an engine disposed below the rear passenger seat. This feature contributes to the four wheeled vehicle having a low center of gravity.

Infante discloses an engine 9, visible in Figure 3. The engine 9 is not disposed below the rear passenger seat 21'. Seider discloses a motor (b) disposed forwardly of the driver's seat 145.

In addition, Infante and Seider do not teach or suggest a four-wheeled vehicle as recited in claims 1, 21, 22 and 24, wherein the vehicle has a width and an overall length, and the width is substantially half the overall length. This feature facilitates parking of the four-wheeled vehicle in existing parking space sizes.

Infante is silent as to the relationship between the width and length of the disclosed vehicle. Even measuring the relationship directly from the Infante drawings, which

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Applicants do not concede is proper since the drawings are not indicated as being to scale, the width of the Infante vehicle is significantly less than half the overall length. Seider is also silent as to the relationship between the width and length of the disclosed vehicle. Even measuring the relationship directly from the Seider drawings, which Applicants do not concede is proper since the drawings are not indicated as being to scale, the width of the Seider vehicle is significantly less than half the overall length.

Applicants note that this feature was recited in previous claim 24. However, this feature did not appear to be specifically addressed in the rejection to claim 24. The rejection did assert that the size of the vehicle is a design choice. Applicants disagree that this feature is a design choice. The claimed size relationship together with the features recited in claims 1, 22 and 24 provide a low center of gravity four-wheeled vehicle that can fit into existing parking spaces. Infante discloses a four wheeled vehicle with a front passenger seat, and a rear passenger seat positioned entirely forwardly of the rear wheels, which has a disproportioned width and overall length so that the vehicle can't fit into existing parking spaces and/or the vehicle has a high center of gravity.

Claims 1, 21, 22 and 24 are patentable over Infante and Seider, and the other cited references. The rejections to the dependent claims do not need to be explicitly addressed as the dependent claims are patentable along with the independent claims. Applicants do not concede the rejections to the dependent claims.

In view of the above, early issuance of a notice of allowance is solicited. Any questions regarding this communication can be directed to the undersigned attorney, Curtis B. Hamre, Reg. No. 29,165 at (612) 455-3802.

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